

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 57882

Lawrence Odeyemi

4902 Hazelwood Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 1, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations 9BCZR) section 405A.1, 1B01.1D, failure to provide screening in all areas where damaged/disabled vehicles are stored, failure to remove burned-out camper on residential property zoned BL-AS known as 4902 Hazelwood Road, 21206.

On May 29, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 30, 2009 requesting correction of open dump/junkyard conditions, removal of burned-out camper, and providing screening in all areas where damaged/disabled vehicles are stored. This Citation was issued on May 29, 2009.

B. Notes in the file state that Inspector Jason Seidelman spoke with Respondent Lawrence Odeyemi on May 5, 2009, and that Respondent was aware of the Correction Notice. Notes further indicate that as of May 29, 2009 some site cleanup had been done but no screening was provided. Pre-hearing inspection on June 29, 2009 found no screening installed, and the burned-out camper and other damaged/disabled vehicles still in public view.

C. Respondent operates a service garage at this location. Photographs in the file show numerous damaged and disabled vehicles parked in an open parking lot and behind an open chain link fence, in full view of the public street. Baltimore County zoning regulations require all such vehicles to be screened from off-site view by walls or fences at least eight feet in height. BCZR 405A.1. An outside storage area, in addition to being properly screened, also must be properly paved to comply with zoning regulations. BCZR 405A.2.

D. The file does not contain a site plan for this property. However, the zoning commissioner order granting a special exception to operate a service garage on this property, dated February 13, 1990, provides required conditions including provision of an approved landscaping plan and an approved fencing plan. The order further provides that "there shall be no storage of damaged or disabled vehicles outside any approved fencing area." The property is currently not in compliance with these requirements or with the applicable zoning regulations cited above.

E. To comply with zoning requirements, Respondent must install appropriate screening pursuant to an approved site plan and with required permits. Because compliance is the goal of code enforcement, additional time will be provided to give Respondent time to take necessary steps.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if Respondent corrects the violations by installing appropriate screening in compliance with an approved site plan and with all permit requirements, no later than September 15, 2009. If the Respondent fails to correct the violations, then the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer